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*Attorney for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF PIMA**

STATE OF ARIZONA, *ex rel.* MARK  
BRNOVICH

*Plaintiff*

*v.*

FABIAN CASTRO-LOPEZ, and  
JANE DOE CASTRO-LOPEZ,  
Individually and as part of or on behalf of  
any Marital, Business, Corporate, Trust, or  
other Community,

And

Francisca Osoria-Nava, and Jane Doe  
Osorio-Nava, Individually and as part of or  
on behalf of any Marital, Business,  
Corporate, Trust, or other Community,

And

TIMOTHY HENRY, and JANE DOE  
HENRY, Individually and as part of or on  
behalf of any Marital, Business, Corporate,  
Trust, or other Community,

and

TIMOTHER EVICCI, and JANE DOE  
EVICCI,  
Individually and as part of or on behalf of  
any Marital, Business, Corporate, Trust, or  
other Community,

and

JAMIE RENE LEZA, and JANE DOE LEZA,  
Individually and as part of or on behalf of  
any Marital, Business, Corporate, Trust, or

No. C2019-1151

CLAIM  
(Pursuant to A.R.S. §13- 4311(D),(E)  
and (F))

Assigned to: RICHARD E. GORDON

1 Jesus Loreto, and Jane Doe Loreto,  
2 Individually and as part of or on behalf of  
3 any Marital, Business, Corporate, Trust, or  
other Community,

4 Jennifer Phillips, and John Doe Phillips,  
5 Individually and as part of or on behalf of  
any Marital, Business, Corporate, Trust, or  
other Community,

6 Jose Pro and Jane Doe Pro, Individually and  
7 as part of or on behalf of any Marital,  
8 Business, Corporate, Trust, or other  
Community,

9 LEAH RAMSELL, and JANE DOE  
10 RAMSELL, Individually and as part of or on  
behalf of any Marital, Business, Corporate,  
Trust, or other Community,

11 KAREN SCHIMMEL, and JOHN DOE  
12 SCHIMMEL, Individually and as part of or  
on behalf of any Marital, Business,  
13 Corporate, Trust, or other Community,

14 RAYMOND THACKER, and JANE DOE  
15 THACKER, Individually and as part of or on  
behalf of any Marital, Business, Corporate,  
Trust, or other Community,

16 SHALMARIE TULK and JOHN DOE TULK,  
17 Individually and as part of or on behalf of  
any Marital, Business, Corporate, Trust, or  
18 other Community,

19 and

20 JESSE JONAS VALENZUELA, and JANE  
DOE VALENZUELA, Individually and as  
part of or on behalf of any Marital, Business,  
21 Corporate, Trust, or other Community,

22 Defendants In Personam

23 And

24 THE PROPERTY LISTED AND  
25 DESCRIBED IN APPENDIX ONE HERETO,

26 *Defendants In Rem  
and In Personem.*

27 CCSO/DEA Case No. 19-00799  
28

1 Claimant herein, **JESSE JONAS VALENZUELA**, hereby requests pursuant to  
2 A.R.S. 13-4309, 13-4311 that the forfeiture of his interest in the property be remitted.

3 1. Claimant's name is **JESSE JONAS VALENZUELA**.

4 2. The address at which he will accept future mailing from the court of Attorney  
5 for the State is:

6 **c/o Ramiro S. Flores**  
7 **55 W. Franklin St.**  
8 **Tucson, AZ 85701**

9 3. Claimant's phone number is **(520) 884-5105**

10 4. The precise relief sought by Claimant is: Remission and/or mitigation of  
11 Forfeiture.

12 5. The nature and extent of Claimant's interest in the property is:

13 **The Claimant is the owner of the property.**

14 6. Claimant acquired his interest in the following property on:

15 **A. Vehicles Found at 3422 S. Portia Avenue, Tucson, Arizona:**

16 i. **1977 Chevrolet Blazer (Paragraph 69)**

17 The vehicle was purchased by the Claimant from a private party for \$3000 in 2012.  
18 The money was derived from the Claimants employment for Valencia Octopus Car Wash.  
19 That year he made over \$30,000.00 from his employment. Over the next 7 years, the  
20 claimant restored the blazer, doing much of the work himself and funded by his employment.

21 ii. **1999 Ford F250 (Paragraph 70)**

22 The Ford F250 was purchased in 2016 for \$5,000.00 from a private party. A customer  
23 at Claimants employment offered the vehicle to the claimant. The monies were derived from  
24 employment and tax returns. His tax refund for 2015 (received in 2016) was \$7785.00.

25 iii. **2015 Honda Civic (Paragraph 71)**

26 This Honda Civic was purchased in 2017 from a private party. The vehicle was offered  
27 for and claimant paid \$9000 since the vehicle was salvaged. It was purchased in Phoenix  
28 from a private party. The claimant used his employment earnings and tax returns to  
purchase the vehicle. His tax refund for 2016 (received in 2017) was \$8063.00.

1                   iv.     **2015 Ford F150 Pickup (Paragraph 72)**

2           This vehicle was purchased from a dealer. A 2015 Toyota Tacoma was traded in. The  
3 Tacoma was purchased with a 2012 Dodge Charger trade-in. The purchase price was near  
4 \$43,000.00. However, with the trade-in of the Toyota Tacoma, the financed amount was  
5 approximately \$13,000.00 which was financed and paid using employment earnings and tax  
6 refunds.

7                   **B.     Currency (Paragraph 1)**

8           A portion of the \$200,891.00 seized at 3422 S. Portia Avenue, Tucson, Az belongs to  
9 the Claimant. The claimant has been employed by the car wash industry for the past 12 years.  
10 Royal Car Wash for (5) years and October Car Wash for (7) years He has earned on average  
11 at least \$30,000.00 per year for the last 7 years. Since 2008, through his employment he  
12 has earned approximately \$347,000.00.

13           A portion of the seized currency is employment earnings. This money is not related  
14 to any illegal activity.

15                   **C.     Financial Institution Accounts (Paragraphs 19-21)**

16           The monies seized in the bank accounts numbered above represent employment  
17 earnings and are not funds from an illegal purpose.

18           7.     The facts that the Claimant asserts support their petition and which indicate  
19 a substantial hardship resulting from the forfeiture of the property, if any are:

20           The property above represents the fruits of the last 10 years of employment and is basically  
21 everything the Defendant owns. It will be a substantial hardship by no stretch of the  
22 imagination to lose everything he has worked for the past 10 years.

23           8.     Claimant assert that the property is not subject to forfeiture pursuant to A.R.S.  
24 13-4304 for the foregoing reasons:

25           The property listed above were not purchased with proceeds traceable to an offense  
26 that is included under Arizona law, ARS 13-2314, and that is committed for financial gain.  
27 The monies used to purchase the property or the currency seized are not proceeds seized in  
28

1 this state and traceable to an offense that:

2 (a) Is chargeable or indictable under the laws of the state in which the offense  
3 occurred and, if the offense occurred in a state other than this state, would be chargeable or  
4 indictable under this chapter if the offense occurred in this state.

5  
6 (b) Is punishable by imprisonment for more than one year.

7 (c) Involves prohibited drugs, marijuana or other prohibited chemicals or  
8 substance.

9 (d) Is committed for financial gain.

10 The a portion of currency and bank accounts are not forfeit-able property or proceeds  
11 as defined under A.R.S. 13-2314.

12 **WHEREFORE**, Jesse Jonas Lee Valenzuela, Claimant herein, prays for the following  
13 relief:

14 A. That the seized property be remitted to its rightful owner.

15 B. Any further relief which is deemed necessary and just.

16 **RESPECTFULLY SUBMITTED** this 8<sup>th</sup> day of April, 2019.

17  
18 **The Law Office of Ramiro S. Flores, PLLC**

19  
20   
21 \_\_\_\_\_  
22 Ramiro S. Flores, Esq.  
Attorney for Defendant

23 **Copies of this claim mailed this day to:**

24 Cochise County Sheriff's Department  
25 ATTN: Asset Forfeiture Detectives  
26 205 N. Judd Drive  
Bisbee, Arizona 85603

27 Attorney General Office-CRM/FRS  
28 ATTN: Tom Rankin, Assistant Attorney General  
400 W. Congress, Suite S-315  
Tucson, Arizona 85701